

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE PETITION OF THE)	
DELAWARE DIVISION OF THE PUBLIC ADVOCATE)	
AND THE CAESAR RODNEY INSTITUTE TO)	
REQUEST THE PUBLIC SERVICE COMMISSION)	
TO AMEND 26 DEL. ADMIN. C. § 3008-3.2.21 TO)	PSC DOCKET 15-1462
ISSUE REGULATIONS GOVERNING WHEN A)	
FREEZE OF THE MINIMUM PERCENTAGES OF)	
ELIGIBLE ENERGY RESOURCES AND SOLAR)	
PHOTOVOLTAICS MAY BE DECLARED)	
PURSUANT TO 26 DEL. C. § 354(i) and (j))	
(FILED OCTOBER 2, 2015 AND OCTOBER 12, 2015))	

**PETITION OF THE DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL FOR LEAVE TO INTERVENE**

Pursuant to Rule 21 of the Rules of Practice and Procedure of the Delaware Public Service Commission, the State of Delaware Department of Natural Resources and Environmental Control (“DNREC”) hereby petitions the Commission for leave to intervene as a party in this matter.

In support of its petition for leave to intervene, DNREC states the following:

1. On October 2, 2015, the Division of the Public Advocate (“DPA”) petitioned the Commission to amend 26 *Del. Admin. Code* §§3008.3.2.21 to issue regulations governing when a freeze of the minimum percentages of eligible energy resources and solar photovoltaics may be declared pursuant to 26 *Del. C.* §§354(i) and (j).
2. On October 12, 2015, the Caesar Rodney Institute (“CRI”) petitioned the Commission to amend 26 *Del. Admin. Code* §§3008.3.2.21 to issue regulations governing when a freeze of the minimum percentages of eligible energy resources and solar photovoltaics may be declared pursuant to 26 *Del. C.* §§354(i) and (j).

3. DNREC is an agency of the State of Delaware, created pursuant to 29 *Del. C.* § 8001, *et seq.* DNREC's mission "is to ensure the wise management, conservation, and enhancement of the State's natural resources, protect public health and the environment, provide quality outdoor recreation, improve the quality of life and educate the public on historic, cultural, and natural resource use, requirements and issues."

4. DNREC's contact information, pursuant to Rule 21(i) of the Commission's Rules of Practice and Procedure, is as follows:

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5. The petitions of DPA and CRI request that the Commission open a docket to promulgate regulations specifying the procedures for freezing the minimum cumulative solar photovoltaic and eligible energy resource requirements under 26 *Del. C.* § 354(i), (j). The proposed rulemaking would include guidance on how DNREC should calculate the total cost of complying with the minimum cumulative solar photovoltaic and eligible energy resource requirements, which forms the basis for such a freeze. The Renewable Energy Portfolio Standards Act ("REPSA") conferred the function of calculating the total cost of compliance to

DNREC's State Energy Coordinator. *Id.* The DNREC Director of the Division of Energy and Climate serves as the State Energy Coordinator. 29 *Del. C.* § 8003(2)(i).

6. DNREC's interest in the outcome of this proceeding is the statutory duties conferred by the General Assembly to DNREC under REPSA.

7. DNREC's interest will not be adequately represented by any of the other parties to this proceeding. DNREC has statutory responsibility for the oversight and development of renewable energy markets in Delaware. DNREC also has specific statutory duties under REPSA, including the function of calculating the total cost of compliance with the minimum cumulative solar photovoltaic and eligible energy resources requirements. In that respect, no other participant in this proceeding has the same obligation to promote renewable energy in Delaware and to satisfy DNREC's statutory duties under REPSA.

8. DNREC's participation in the proceeding would be in the public interest. The public relies upon DNREC to provide guidance and expertise in developing and managing renewable energy markets in Delaware. The public interested is also served by DNREC's accomplishing its statutory duties under REPSA.

9. For the foregoing reasons, DNREC respectfully requests that it be granted leave to intervene in this proceeding as a party for all purposes.

Respectfully submitted,

/s/ Devera B. Scott

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Attorney for the Department of Natural
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Dated: October 27, 2015

CERTIFICATE OF SERVICE

I certify that on October 27, 2015, I caused the *Petition for Leave to Intervene of the Department of Natural Resources and Environmental Control* to be served in the manner indicated to the attached service list:

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Devera B. Scott

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